



General Assembly

Substitute Bill No. 144

February Session, 2002

AN ACT CONCERNING CHILDREN PLACED IN OUT-OF-STATE FACILITIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 25 of public act 01-2 of the June special session is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2002*):

4 (a) Any state agency that places a child, as defined in section 17a-93,
5 in a residential facility shall enter into a written agreement with the
6 facility at the time of the placement. Such written agreement shall
7 establish clear standards for the child's care and treatment, including,
8 but not limited to, requirements for monthly written reports
9 concerning the child's care and treatment, addressed to the case
10 worker overseeing the child's placement. The monthly written reports
11 shall set forth child-specific goals and expectations for treatment and
12 progress. The written agreement shall require the facility to report
13 promptly to the placing agency any allegation that the child is abused
14 or neglected, as defined in section 46b-120, or any incident of abuse or
15 neglect of an individual placed in the facility. The placing agency shall
16 ensure that a discharge plan is initiated within two weeks of the child's
17 placement in the facility.

18 (b) In addition to the requirements specified in subsection (a) of this
19 section, if the Department of Children and Families places a child in a

20 residential facility in another state, the department shall notify the
21 Superior Court of such placement no later than seven calendar days
22 from the date of the placement. If such child does not have a guardian
23 ad litem, the Superior Court shall appoint one for such child. A
24 guardian ad litem appointed pursuant to this subsection may be a
25 resident of another state and need not be an attorney-at-law. The
26 guardian ad litem for such child shall make monthly visits to the
27 residential facility in order to monitor the child's care and treatment.
28 The department shall provide the guardian ad litem with a copy of
29 each report that it receives from the facility concerning the child and a
30 copy of the discharge plan required pursuant to subsection (a) of this
31 section. The judicial department shall pay the guardian ad litem
32 reasonable compensation and shall reimburse the guardian ad litem
33 for traveling expenses for the monthly visits to the residential facility.

34 Sec. 2. Subsection (f) of section 17a-28 of the general statutes, as
35 amended by section 1 of public act 01-142, is repealed and the
36 following is substituted in lieu thereof (*Effective July 1, 2002*):

37 (f) The commissioner or the commissioner's designee shall, upon
38 request, promptly provide copies of records, without the consent of a
39 person, to (1) a law enforcement agency, (2) the Chief State's Attorney
40 or the Chief State's Attorney's designee or a state's attorney for the
41 judicial district in which the child resides or in which the alleged abuse
42 or neglect occurred or the state's attorney's designee, for purposes of
43 investigating or prosecuting an allegation of child abuse or neglect, (3)
44 the attorney appointed to represent a child in any court in litigation
45 affecting the best interests of the child, (4) a guardian ad litem
46 appointed to represent a child in any court in litigation affecting the
47 best interests of the child or appointed pursuant to subsection (b) of
48 section 25 of public act 01-2 of the June special session, as amended by
49 this act, (5) the Department of Public Health, which licenses any
50 person to care for children for the purposes of determining suitability
51 of such person for licensure, (6) any state agency which licenses such
52 person to educate or care for children pursuant to section 10-145b, as
53 amended, or 17a-101j, (7) the Governor, when requested in writing, in

54 the course of the Governor's official functions or the Legislative
55 Program Review and Investigations Committee, the committee of the
56 General Assembly on judiciary and the committee of the General
57 Assembly having cognizance of matters involving children when
58 requested in the course of such committees' official functions in
59 writing, and upon a majority vote of said committee, provided no
60 names or other identifying information shall be disclosed unless it is
61 essential to the legislative or gubernatorial purpose, (8) a local or
62 regional board of education, provided the records are limited to
63 educational records created or obtained by the state or Connecticut-
64 Unified School District #2, established pursuant to section 17a-37, and
65 (9) a party in a custody proceeding under section 17a-112, as amended,
66 or section 46b-129, as amended, in the Superior Court where such
67 records concern a child who is the subject of the proceeding or the
68 parent of such child. A disclosure under this section shall be made of
69 any part of a record, whether or not created by the department,
70 provided no confidential record of the Superior Court shall be
71 disclosed other than the petition and any affidavits filed therewith in
72 the superior court for juvenile matters, except upon an order of a judge
73 of the Superior Court for good cause shown. The commissioner shall
74 also disclose the name of any individual who cooperates with an
75 investigation of a report of child abuse or neglect to such law
76 enforcement agency or state's attorney for purposes of investigating or
77 prosecuting an allegation of child abuse or neglect. The commissioner
78 or the commissioner's designee shall, upon request, promptly provide
79 copies of records, without the consent of the person, to (A) the
80 Department of Public Health for the purpose of determining the
81 suitability of a person to care for children in a facility licensed under
82 sections 19a-77 to 19a-80, inclusive, as amended, 19a-82 to 19a-87,
83 inclusive, and 19a-87b, as amended, and (B) the Department of Social
84 Services for determining the suitability of a person for any payment
85 from the department for providing child care.

This act shall take effect as follows:

Section 1	<i>July 1, 2002</i>
Sec. 2	<i>July 1, 2002</i>

Statement of Legislative Commissioners:

In subsection (b) of section 1 language was added to clarify that a guardian ad litem only be appointed if the child does not already have one.

KID*Joint Favorable Subst. C/R***JUD**